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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/769,133 | 01/30/2004 | Hideaki Arao | FUS 20.926 | 8525 |
| 26304 | 7590 | 09/01/2006 | EXAMINER | |
| KATTEN MUCHIN ROSENMAN LLP | | | IQBAL, NADEEM | |
| 575 MADISON AVENUE | | | ART UNIT | |
| NEW YORK, NY 10022-2585 | | | PAPER NUMBER | |

2114

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/769,133 | ARAO ET AL. | |
| | Examiner | Art Unit | |
| | Nadeem Iqbal | 2114 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 5-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>Jan 30, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka (U.S. Patent number 7028231).
3. As per claim 1, Tezuka teaches (col. 2, lines 30-34) an optical transmission system for transmitting a signal having a predetermined frame format with a first element an error correction coder for coding transmission data. He thus teaches limitations pertain to a predetermined byte specified in advance in a frame having header information and data information. He also teaches a second element a receiver for receiving a reception signal subjected to error-correction coding and an error correction decoder for decoding the reception signal to produce decoding failure information. He thus teaches detecting a burst error based on a change in a state of occurrence of a bit error in the predetermined byte. He does not explicitly disclose outputting a burst error detection signal upon detection of the burst error. He teaches (col. 2, lines 34-36) a decoding failure collector for calculating a number of errors after the error correction decoding. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that He also outputs an error detection signal upon detection of the burst error. This is because he teaches a decoding failure collector for calculating

Art Unit: 2114

a number of errors and therefore would indicate a burst error detection signal upon detection as claimed.

4. As per claim 4, Tezuka substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 32-35) a second element a receiver for receiving a reception signal subjected to error-correction coding and an error correction decoder for decoding the reception signal to produce decoding failure information. He thus teaches detecting a bit error in a predetermined byte specified in advance and also teaches detecting a burst error based on a change in a state of occurrence of a bit error in the predetermined byte. He does not explicitly disclose outputting a burst error detection signal upon detection of the burst error. He teaches (col. 2, lines 34-36) a decoding failure collector for calculating a number of errors after the error correction decoding. It would have been obvious to a person of ordinary skill in the art to realize that He also outputs an error detection signal upon detection of the burst error. This is because he teaches a decoding failure collector for calculating a number of errors and therefore would indicate a burst error detection signal upon detection as claimed.

Allowable Subject Matter

5. Claims 2,3,5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

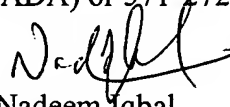
Art Unit: 2114

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (571)-272-3659. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)-272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI